

# Transport and Environment Committee

10.00am, Thursday, 28 January 2021

## Proposed Parking Controls – Maxwell Street, Morningside

Executive/routine Wards Council Commitments	Executive 10 - Meadows / Morningside <a href="#">18, 19</a>
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### 1. Recommendations

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- 1.1 Transport and Environment Committee is asked to:
  - 1.1.1 set aside the objections to the Traffic Regulation Order (TRO) as previously advertised and authorised by the Executive Director of Place under Delegated Powers on 20 September 2019; and
  - 1.1.2 approve the making of the TRO as advertised to include the western end of Maxwell Street, the access road and parking area associated with 10-12 Maxwell Street, as part of proposed extension of the S2 zone of the Controlled Parking Zone.

**Paul Lawrence**

Executive Director of Place

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## Proposed Parking Controls – Maxwell Street, Morningside

### 2. Executive Summary

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- 2.1 On 20 September 2019 a report authorised by the Executive Director of Place under Delegated Powers commenced the legal process to add the western end of Maxwell Street, Morningside to the S2 zone of the Controlled Parking Zone (CPZ).
- 2.2 The draft Traffic Regulation Order (TRO) detailing the extent of the scheme was advertised on 24 July 2020 at which point those interested in the scheme were invited to make their views known to the Council.
- 2.3 This report details the results of that consultation and addresses the objections received, which are mainly themed around the legal process, land adoption and parking controls.
- 2.4 The report further recommends proceeding to make the TRO and to implement the proposed extension of CPZ restrictions to Maxwell Street, including the area to the rear of numbers 10 and 12 Maxwell Street.

### 3. Background

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- 3.1 Maxwell Street is a residential street located within the general boundary of Zone S2 of the CPZ. Presently only the eastern section of Maxwell Street is subject to parking restrictions, whilst the western section remains largely uncontrolled except for limited lengths of double yellow lines.
- 3.2 The Council has been in correspondence with residents of Maxwell Street for some years in respect of extending the parking controls that were introduced into Morningside in 2007.
- 3.3 In response to contact from a number of residents in the western half of Maxwell Street, citing issues with non-resident/commuter parking and asking for the whole of Maxwell Street to be included within the Controlled Parking Zone (CPZ), the Council made contact with all residents in 2015 to seek their views.
- 3.4 Letters were sent to every property within the western section of Maxwell Street, including numbers 10 and 12. A copy of the letter and an associated plan, showing the extent of the area covered by the consultation, is provided in Appendix 1.

- 3.5 That consultation elicited 25 responses of which 10 were supportive, 10 were opposed and five made comment on the operation of the suggested controls.
- 3.6 While it might often be the case that the Council would seek to introduce parking permit schemes only where there is widespread support, uncontrolled roads that lie within the boundary of the CPZ undermine the efficacy of CPZ as a solution that supports Council policies, primarily in terms of discouraging commuting into the CPZ by private car.
- 3.7 It is apparent that the uncontrolled section of Maxwell Street creates a situation that allows unmanaged parking opportunities within the CPZ boundary. As a road within the general area of existing controlled parking, it would be appropriate to extend controls to the remaining part of Maxwell Street.
- 3.8 Given the concerns raised by residents, it was considered appropriate to promote a TRO proposing that the entirety of Maxwell Street should be subject to CPZ controls, to affect the same management of parking as exists throughout the wider Morningside area.
- 3.9 A report on the 20 September 2019, authorised by the Executive Director of Place under Delegated Powers, commenced the legal process to add the western end of Maxwell Street to the S2 zone of the Controlled Parking Zone.
- 3.10 A plan showing the proposed extent of the parking controls is included in Appendix 2.

#### **4. Main report**

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- 4.1 In accordance with legislative requirements relating to traffic orders, the Council carried out an initial consultation with statutory consultees in October 2019. The second stage consultation took place in July/August 2020, during which feedback and objections are invited, with such feedback forming the basis for this report.
- 4.2 Two forms of written support were ascertained through the TRO process to extend parking controls to the western end of Maxwell Street, with both supporting on the grounds of congestion and commuter parking problems.
- 4.3 There were 11 formal objections received in response to this proposal, with the objections spanning three main themes: the legal process, land adoption and parking controls. All objections are detailed in Appendix 3 by theme and specific topic, including responses to each of the objections raised.
- 4.4 The key themes that received three or more objections are summarised below and are explored further within this report.

##### **Legal process**

- 4.5 The primary objection raised related to the decision-making process that had been undertaken without the knowledge of the objectors, who indicated that they were unaware of the TRO and felt they were unable to input to any consultation process.

- 4.6 As a result of the ongoing situation with Covid-19, the Scottish Government passed the Coronavirus (Scotland) Act 2020, which includes allowances to dispense with or to amend statutory requirements that might otherwise aid the spread of Covid-19. In accordance with that legislation, the Council took the decision to suspend the provision of street notices in connection with all traffic orders.
- 4.7 The Council did however take additional steps to advise of advertised traffic orders, among which were making improvements to the Council website and asking all Community Council's to encourage residents to refer both to our website and to the TellMeScotland website.
- 4.8 The TellMeScotland website is managed by the Scottish Government and Councils have been encouraged to place their traffic orders on TellMeScotland since it was launched. The TellMeScotland website allows interested parties to register for alerts to advise them of proposals in their area.
- 4.9 In accordance with the approach taken for all traffic orders, this TRO was also advertised in the press and notifications were issued to Community Council groups and local Councillors.
- 4.10 In terms of fulfilling its legal duties in these challenging times, the Council is satisfied that all reasonable steps have been taken to advise interested or affected parties of current traffic order proposals, and that the process for this TRO has been consistent with the approach taken generally for all traffic orders.
- 4.11 Nevertheless, it is also noted that a number of responses to the consultation were received after the official closing date. In the interests of ensuring that the concerns of residents are considered as part of the legal process, all such responses have been included within this report.

### **Land adoption**

- 4.12 The next objection theme concerned the car parking area to the rear of 10-12 Maxwell Street that some of the residents cited as private and which they felt constituted part of their Deed of Conditions, with questions and criticisms of the process taken by the Council to previously adopt that car parking area.
- 4.13 To clarify, the process leading to the adoption of any newly built road begins whilst the development is at planning stage, when the developer will apply to the Council for Road Construction Consent (RCC). That application process determines what parts of the development are considered "Roads", as defined in the Roads (Scotland) Act 1984.
- 4.14 The RCC process automatically classifies any area covered by that RCC as being a road, regardless of its proposed adoption status. That classification in-turn means that all applicable powers provided for in legislation will also apply to that road.
- 4.15 While there is generally no legal requirement for any road to be adopted, any person or persons who maintain a private road can apply to the Council to have that road formally adopted. Once adopted, it is the Council who assume responsibility for maintenance of that road.

- 4.16 In this case, and in common with other new developments, the request for the Council to adopt the road came from the developer. The developer formally applied to the Council in January 2007 to have the access road and parking area, including all associated footways, adopted for maintenance by the Council. Having concluded that the affected roads had achieved adoptable standard, the Council issued the adoption certificate on 6 November 2008: Appendix 4.
- 4.17 It is also the Council's understanding that there were additional factors that assisted in determining whether this specific access road and the parking area to the rear to numbers 10 and 12 should be adopted. One of those determining factors was the access to the footbridge over the south suburban line, where access for the public needed to be maintained. To ensure the safety of users accessing the footbridge it was considered that the approach to the footbridge should be publicly maintained. The other determining factor was the access requirement by Scottish Power to the electricity substation, where it was deemed necessary to ensure that the right of access to this facility could also be maintained.
- 4.18 Where an RCC has been applied for by a developer, it would be the responsibility of the developer to accurately convey the legal implications to prospective residents and to their appointed factor. The same applies where adoption of roads is sought, where it would again be the responsibility of the developer to convey the correct information.
- 4.19 With regards to land ownership, it should be considered that the Council rarely owns the land that lies under any road. Ownership of the land tends to rest in most, but not all, cases with the owners of adjacent properties. However, the Roads (Scotland) Act 1984 and the Road Traffic Regulation Act 1984, state that, for all roads, the right to determine how that road may be used rests solely with the local road authority. No other person, persons or organisation is legally permitted to manage or control the use of any road.
- 4.20 As a road, defined in the Roads (Scotland) Act 1984 as a way over which there is a public right of passage, this part of Maxwell Street has been freely accessible by the public since the road was constructed. The proposed inclusion of this area in the CPZ does not materially impact upon the rights of the public to use or access this area.
- 4.21 Another topic cited relating to ownership, relates to the maintenance efforts made by residents to upkeep the boundary of the car park, for example the erection of a new fence and the undertaking of gardening through their own costs and effort.
- 4.22 To clarify, the adopted status of this part of Maxwell Street does not extend to any landscaped areas or to the bin store. Nor does it apply to any structures or boundary fences or walls. The adoption applies only to those areas detailed on the adoption certificate (Appendix 4), meaning that the Council has only assumed responsibility for maintaining the surface and fabric of the road itself, plus the surface drainage and street lighting, as detailed in the certificate.

- 4.23 Although Council records confirm that the land to the rear of 10-12 Maxwell Street has been adopted by the Council, Committee should note that there is ongoing correspondence regarding land adoption from some residents of Maxwell Street.

### **Parking controls**

- 4.24 The final key objection theme relates to parking controls, with the main topics relating to potential implications for carers supporting elderly residents in 10-12 Maxwell Street, and perceptions from some that parking pressures are not an issue on Maxwell Street.
- 4.25 Parking controls will promote better management of the available kerbside space, removing commuter vehicles and helping to enable all residents with permits to access local parking opportunities, whilst also enhancing parking opportunities for visitors and carers using visitor parking permits or through pay-and-display options.
- 4.26 In-terms of parking pressures, as cited earlier in this report, a previous consultation exercise was undertaken following resident complaints about non-resident/commuter parking. Some support was also received through the TRO consultation on commuter parking and congestion grounds.
- 4.27 It should also be noted that, following a Strategic Review of Parking across the city and due to evidence of parking pressures locally, extended parking controls (to B2 Priority Parking Area) are proposed in the vicinity of Maxwell Street, to the south of the railway line to include Balcarres Street and Craighouse Gardens.
- 4.28 The introduction of parking controls in those remaining parts of S2 that are not currently subject to parking controls will help to protect those areas from commuters and from other, unrestricted parking. Strengthening controls in this area will provide long-term protection against those who may currently, or in the future, seek free areas in which to park.
- 4.29 As an unrestricted road, Maxwell Street can be used by any and all road users without restriction on use, without limit of stay and without any repercussions related to inconsiderate or obstructive parking. Parking controls will provide for conditions that allow such practices to be removed and/or managed to the benefit of residents and their visitors. That benefit also extends to servicing, with controls ensuring that there is provision, for example, for delivery vehicles and waste collection services.
- 4.30 Parking controls bring additional benefits aside from parking management. Regular, but random, patrols by Parking attendants also address one of the points made by objectors in terms of safety and security, with an authority presence on-street that will serve as additional oversight for the Council at an on-street level.

### **Conclusion**

- 4.31 Although objections have been received in response to this TRO proposal, Council records confirm that it has legally adopted the car parking area to the rear of 10-12 Maxwell Street and has also followed the legal requirements of the TRO process through what has been a particularly challenging year.

- 4.32 Although parking controls may not be welcomed by all residents of Maxwell Street, this TRO proposal has also elicited some support and it is apparent that a lack of controls in this section of Maxwell Street creates a situation that allows unmanaged parking opportunities within the CPZ boundary.
- 4.33 It should also be noted that parking controls provide residents with priority access to local parking spaces through residential parking permits and that other permit types will also enable access for visitors and carers, and that there are a range of additional benefits inherent in the provision of parking controls.
- 4.34 This proposal also supports the broader ambition of the city, through the draft City Mobility Plan, to reduce vehicle dominance and commuter parking opportunities to make our streets more liveable places.

## **5. Next Steps**

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- 5.1 Should Committee approve the making of this TRO, then all objectors will be contacted to advise them of this decision and the Council will proceed to make the TRO.
- 5.2 Once the TRO has been made, then arrangements will be made to have the new restrictions introduced on street.

## **6. Financial impact**

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- 6.1 There will be a cost involved in processing the TRO, as well as for the introduction of signs and road markings associated with new controls. These costs will be contained within existing Parking budgets.
- 6.2 The introduction of permit parking to this part of Maxwell Street may result in a small increase in permit income to the Council. This increase will be used to pay for ongoing enforcement and maintenance costs associated with the new restrictions.
- 6.3 The introduction of shared-use parking may also result in an increase in pay-and-display income to the Council. This income will be allocated towards the operation of the Council's parking scheme and allocated to the funding of Transport improvements, in accordance with the legislative requirements for income raised from parking charges.

## **7. Stakeholder/Community Impact**

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- 7.1 An informal consultation exercise was conducted with residents in 2015. A copy of the letter and an associated plan, showing the extent of the area covered by the consultation, is provided in Appendix 1.

- 7.2 Further consultations have taken place as part of the legal TRO process, where interested parties have had the opportunity to make comments and/or objections to the TRO proposals. All objections are detailed in Appendix 3.
- 7.3 The proposals for parking controls are anticipated to result in a positive impact in respect of carbon impacts, and adaptation to climate change, potentially discouraging commuting to work and encouraging increased use of public transport and other, more sustainable form of transport.

## **8. Background reading/external references**

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- 8.1 Report authorised by Executive Director of Place under Delegated Powers, Proposed Parking Controls – Maxwell Street, Edinburgh. 20 September 2019.
- 8.2 [City Mobility Plan – draft for consultation](#)

## **9. Appendices**

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- 9.1 Appendix 1 - Consultation letter and area plan
- 9.2 Appendix 2 - Proposed Traffic Regulation Order layout plan
- 9.3 Appendix 3 - Objections received
- 9.4 Appendix 4 - Adoption Certificate



Dear Sir/Madam,

7 September 2015

### **Maxwell Street Controlled Parking Zone Consultation**

The Council has been contacted by a number of residents in the western half of Maxwell Street, asking that the whole of Maxwell Street be included within the Controlled Parking Zone (CPZ). It has been suggested that there is an issue with non-resident/commuter parking and that extending parking controls would help to address this issue.

We would like you to take this opportunity to tell us what you think. We want to know whether or not you think that there is a parking problem in Maxwell Street and whether the introduction of controlled parking would be helpful in addressing that problem.

#### **What would controlled parking mean for residents?**

Controlled parking would operate Monday to Friday, 08:30 – 17:30. It is likely that Maxwell Street would predominantly be permit holder parking, meaning that those spaces could not be used by anyone other than valid permit holders during the controlled hours. It is likely that a small proportion of the space would be shared-use, where both permit holders and pay-and-display customers could use the same space. The remainder of the street would be subject to yellow line restrictions.

#### **What permits would residents be entitled to?**

Residents would be entitled to one parking permit per person and up to two per household. A permit would allow you to park in all residents' parking places within your zone, which is S2.

Residents would also be able to purchase up to 30 days worth of visitors' parking permits each year. Residents don't need to own a vehicle or purchase a residents' permit to buy them and they are available in books of 10 with each permit covering a ninety minute controlled period.

#### **How much would permits cost?**

Permit prices are based on vehicle emissions, with an additional surcharge applied to second permits in each household. Prices currently range from £34.00 to £281.00 per annum. Visitors' Permits cost £6.00 for a book of 10. You can find more details on permit prices on the Council's website at [www.edinburgh.gov.uk/parking](http://www.edinburgh.gov.uk/parking).

Disabled persons' blue badge holders are eligible for a free permit and may also be entitled to double the allocation of Visitors' Permits at half the normal cost.

## How do I make my views known to the Council?

We can only make the right decision on how to proceed if we know what people living within the area think. It is vital that as many people as possible respond to this consultation.

If you have any comments you would like us to consider or questions you would like us to answer, please e-mail us at [controlledparkingzone@edinburgh.gov.uk](mailto:controlledparkingzone@edinburgh.gov.uk) or write to us at Parking Operations, 249 High Street, Edinburgh, EH1 1YJ.

You can also take this opportunity to tell us about any particular parking problems in your street that you would like us to investigate. This could include instances of dangerous or inconsiderate parking.

Please make sure that you include your name and address, as well as explaining in as much detail as you can why you oppose or support the idea of introducing controlled parking. The consultation ends on 2 October 2015.

## What happens next?

Once the consultation period ends we will consider the content of all the responses received. Should there be support for the proposals in your area, we will take the necessary steps to commence the Traffic Regulation Order process. As part of the process you would have the further opportunity to comment on the design during a formal consultation. If it appears that controlled parking is not supported, we will not go ahead with the proposal.

## Is further information available?

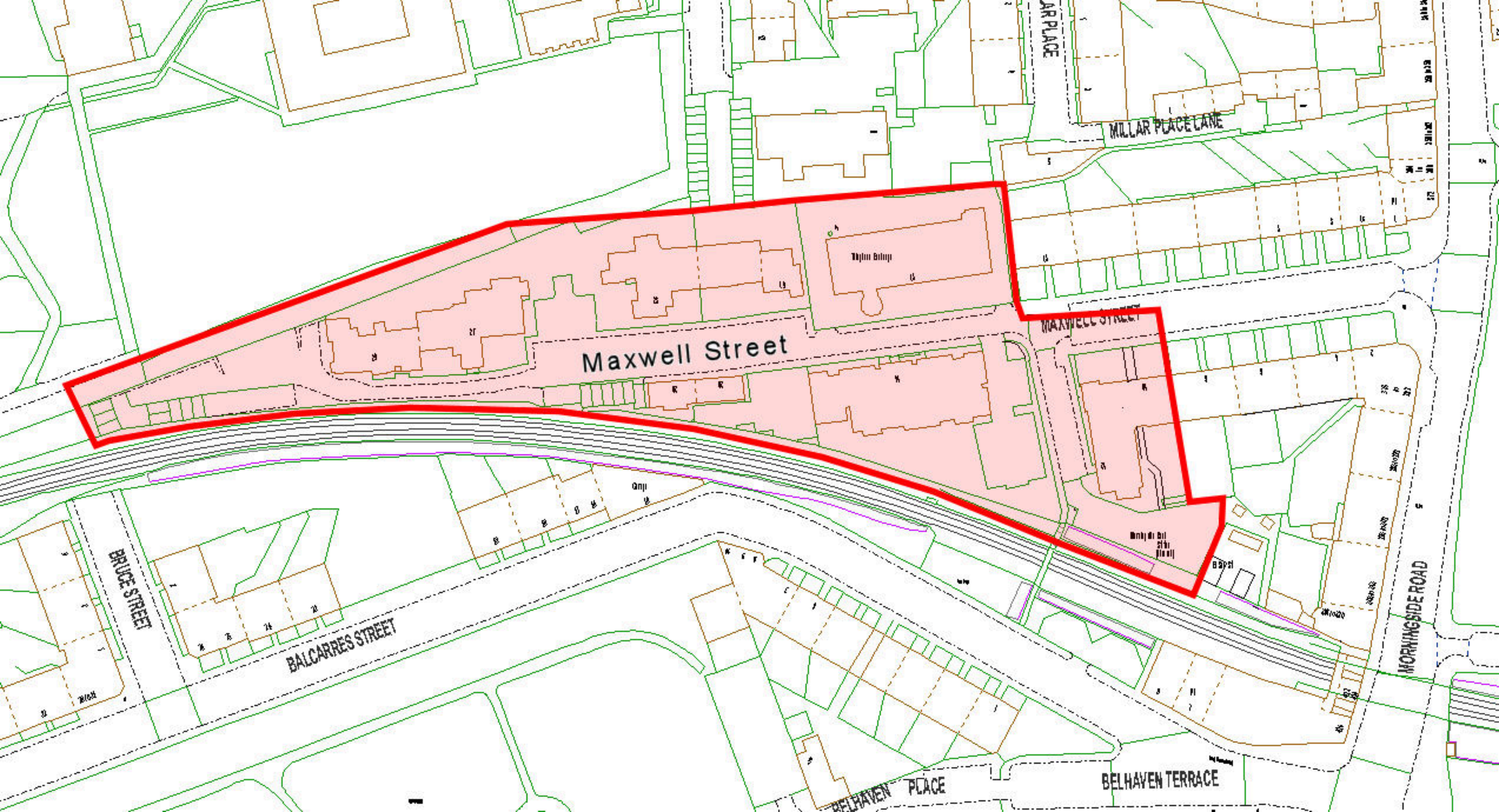
As the proposal is in the early stages there is no design available as yet. However, if there is support for parking controls, then a design proposal would be placed on the Council website so that residents can see what is planned.

If you need any general information about controlled parking, permits or on any other matter related to on-street parking, please visit [www.edinburgh.gov.uk/parking](http://www.edinburgh.gov.uk/parking).

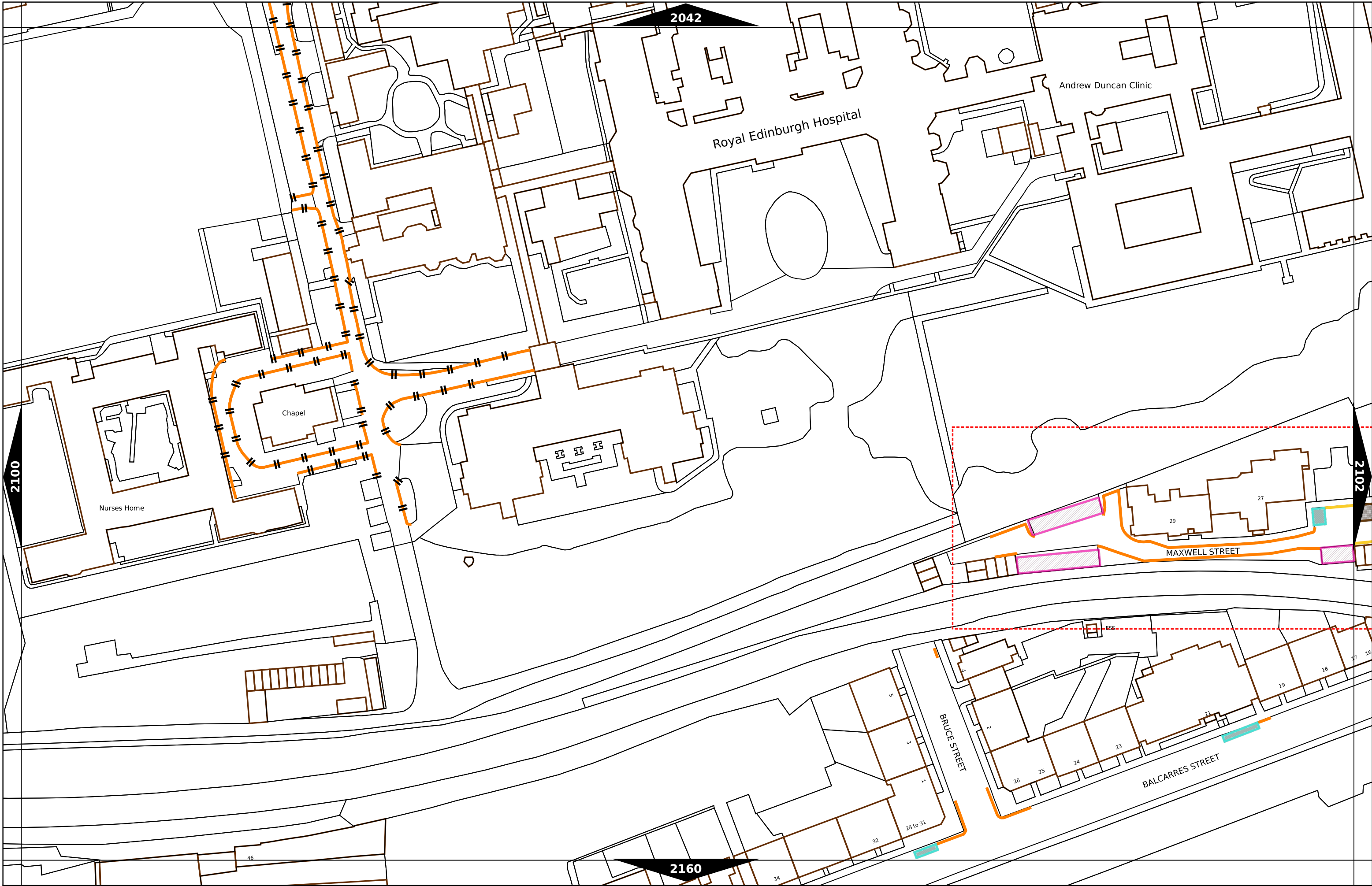


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The City of Edinburgh Council (Traffic Regulation; Restrictions on Waiting, Loading and Unloading, Stopping and Parking Places) Designation and Traffic Regulation Order 2018

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Scale at A3	1:1000
Print Date	14-Jul-2020
Map Tile	2101
Version	2
Status	PROPOSED

## Appendix 3 Objections received

All objections are detailed by objection theme and specific topic with a corresponding response provided aside each objection:

<u>Objection theme</u>	<u>Topics</u>	<u>No. of objections</u>	<u>Objection example</u>	<u>Response</u>
<b>Legal process</b>	No recent contact and Covid loophole	9	<i>The Council has failed to give notification to those affected, stating that new COVID-19 legislation has granted them permission not to do so</i>	As a result of the ongoing situation with Covid-19, the Scottish Government passed the Coronavirus (Scotland) Act 2020, which includes allowances to dispense with or to amend statutory requirements that might otherwise aid the spread of Covid-19. In accordance with that legislation, the Council took the decision to suspend the provision of street notices in connection with all traffic orders.  Even so, the Council has taken additional steps to advise of advertised Orders, among which were making improvements to our own website and asking all Community Council's to encourage residents to refer both to our website and to TellMeScotland. That website, managed by the Scottish Government, allows interested parties to register for alerts that advise them of proposals in their area. All of our Orders have been placed on TellMeScotland since it was launched.
Fulfilled legal duties?		1	<i>I dispute that the Order has been advertised properly in accordance with the Council's legal and statutory duties</i>	In accordance with legislative requirements, the Council carried out an initial consultation, with statutory consultees in October 2019. The second stage consultation, during which objections are invited, took place in July/August 2020.  In terms of fulfilling its legal duties in these challenging times, the Council is satisfied that all reasonable steps have been taken to advise interested or affected parties of current traffic order proposals, and that the process for this Order has been consistent with the approach taken generally for all traffic orders.
No majority		1	<i>...responses to this alleged consultation apparently did not elicit majority support from residents, on what basis does the Council consider it appropriate to apply these restrictions?</i>	While it might often be the case that the Council would seek to introduce parking permit schemes only where there is widespread support, it must also be considered that such schemes are an essential component of realising the Council's broader mobility objectives and policies. It is apparent that the uncontrolled section of Maxwell Street creates a situation that allows unmanaged parking opportunities within the CPZ boundary. As such it was considered necessary to take steps to ensure that parking on the entirety of Maxwell Street should be subject to CPZ controls, to affect the same management of parking as exists throughout the Morningside area
Deemed too late to object		1	<i>Submitted our objections, but deemed too late to object, until intervention by local councillors</i>	A number of responses to the consultation were received after the official closing date. In the interests of ensuring that the concerns of residents are considered as part of the legal process, such responses have been included to this particular report.

<u>Objection theme</u>	<u>Topics</u>	<u>No. of objections</u>	<u>Objection example</u>	<u>Response</u>
<b>Land adoption</b>	Private car park	6	<i>It is clearly stated in our deeds that residents have sole rights to the private car park</i>	<p>The developer formally applied to the Council in January 2007 to have the access road and parking area, including all associated footways, adopted for maintenance by the Council. Having concluded that the affected roads had achieved adoptable standard, the Council issued the adoption certificate on 6 November 2008. Adoption is an arrangement between the person or persons responsible for maintaining the road prior to adoption and the Council. In this case, and in common with other new developments, the request to adopt came from the developer. It would have been their responsibility to advise residents and/or the appointed factor of the change in status.</p> <p>Where a Road Construction Consent (RCC) has been applied for, the developer would be responsible for accurately conveying the legal implications to prospective residents and to their appointed factor. The same applies where adoption of roads is sought, i.e. it would be the responsibility of the developer to convey the correct information.</p> <p>The process leading to the adoption of any newly built road begins whilst the development is at planning stage, when the developer will apply to the Council for Road Construction Consent (RCC). That application process determines what parts of the development are considered "Roads", as defined in the Roads (Scotland) Act 1984.</p> <p>The process of RCC automatically classifies any area covered by that RCC as being a road. That classification in-turn means that all applicable powers provided for in legislation will also apply to that road.</p> <p>While there is generally no legal requirement for any road to be adopted, any person or persons who maintain a private road can apply to the Council to have that road formally adopted. Once adopted, it is the Council who assume responsibility for maintenance of that road.</p> <p>In this case, and in common with other new developments, the request for the Council to adopt the road came from the developer. The developer formally applied to the Council in January 2007 to have the access road and parking area, including all associated footways, adopted for maintenance by the Council. Having concluded that the affected roads had achieved adoptable standard, the Council issued the adoption certificate on 6 November 2008.</p> <p>The Council rarely owns the land that lies under any road. Ownership of the land tends to rest in most, but not all, cases with the owners of adjacent properties. The Roads (Scotland) Act 1984 and the Road Traffic Regulation Act 1984, state however that, for all roads, the right to determine how that road may be used rests solely with the local road authority. No other person, persons or organisation is legally permitted to manage or control the use of any road.</p>
	Car park adoption process	4	<i>I dispute that the alleged adoption process was conducted properly and lawfully</i>	<p>To clarify, the adopted status of this part of Maxwell Street does not extend to any landscaped areas or to the bin store. Nor does it apply to any structures or boundary fences or walls. The adoption applies only to those areas detailed on the adoption certificate, meaning that the Council has assumed responsibility for maintaining the surface and fabric of the road itself, plus the surface drainage and street lighting as detailed in the certificate.</p>
	Maintenance of boundary	3	<i>We are responsible for the boundary to our car park at residents expense e.g. new fence/upkeep of planted areas. Not correct [resident responsibility] if.... used by non residents</i>	<p>Parking controls offer a range of benefits, one of which is to create conditions that support activities related to the servicing of properties. Parking bays themselves can be used for the purpose of loading and unloading, while yellow lines ensure that access is maintained to areas such as those that offer direct access to facilities like waste storage. Parking controls would have no direct impact on off-street bin storage, but would help to protect access to that area by waste removal services.</p>
	Maintained by the factor	1	<i>The parking area is swept and repaired by the Factors on behalf of the residents. The bin area is in private housing and cleaned on a regular basis by the Factor</i>	

<b>Objection theme</b>	<b>Topics</b>	<b>No. of objections</b>	<b>Objection example</b>	<b>Response</b>
<b>Parking controls</b>	Access for carers	4	<i>Without access to a parking place directly outside the residence, carers and family like myself will be hindered or unable to give essential care.....</i>	Provision for all visitors is provided by means of either visitor permits, with those meeting certain criteria eligible to receive additional visitor permits at a reduced rate, or via the pay-and-display element of shared-use parking places.
	No parking issues locally	3	<i>...we do not believe that there is any issue with non-resident/commuter parking on Maxwell Street. There is usually always good availability of spaces at all times of the day.</i>	In response to contact from a number of residents in the western half of Maxwell Street, citing issue with non-resident/commuter parking and asking for the whole of Maxwell Street to be included within the Controlled Parking Zone (CPZ), the Council made contact with all residents in 2015 to seek their views. Letters were sent to every property within the western section of Maxwell Street, including numbers 10 and 12. That consultation elicited 25 responses of which 10 were supportive, 10 were opposed and 5 made comment on the operation of the suggested controls. While it might often be the case that the Council would seek to introduce parking permit schemes only where there is widespread support, uncontrolled roads that lie within the boundary of the CPZ undermine the efficacy of CPZ as a solution that supports Council policies, primarily in terms of discouraging commuting into the CPZ by private car. Given the concerns raised by residents, it was considered appropriate to promote a TRO proposing that the entirety of Maxwell Street should be subject to CPZ controls, to affect the same management of parking as exists throughout the wider Morningside area. During the TRO process, support for these proposals was ascertained citing congestion and commuter parking problems.
	Access for the elderly	2	<i>I believe a large percentage of residents at number 10, and all residents at number 12, are elderly, with the majority being infirm</i>	Parking controls help to ensure that residents with permits are prioritised, thus enabling all residents to access local parking opportunities
	Pressures due to other residents not using their garages/allocated spaces	2	<i>Those residents who are complaining about finding difficulty finding a parking space would find it much less difficult if they would use their garages and allocated parking space</i>	On-street parking provision caters for residential parking regardless of individual circumstances. The Council recognises that not everyone has access to off-street space and that not all off-street space is suitable or sufficient for individual's needs. There are permit issuing restrictions in place for new developments that support Council policies and encourage residents to make use of off-street space that they have access to, with general limitations on permit numbers (two per household) to manage overall demand across each zone.
	Access for visitors	1	<i>It will make visits by car owners more difficult or impossible</i>	Visitor permits are made available at cost to residents living in Controlled Parking Zones enabling access for visitors.
	Others will park here	1	<i>We will have public parking to three sides of our properties</i>	The proposed parking controls reflect the intended use of the space, with permit parking proposed where the primary use is by residents. Visitor parking is provided in the form of shared-use parking places. The parking around nos 10 and 12 Maxwell Street is a mixture of permit and shared-use parking, meaning that the majority of users will be residents local to the immediate area. Permit bays are not available for public use.
	Property price decrease	1	<i>The loss of private parking would have a considerable impact on the value of the flats</i>	There is no link between the provision of parking controls and a reduction in property prices, especially as residents will still have access to local parking opportunities. If anything parking controls create better places by regulating the volume of traffic, which brings benefits to placemaking, safety and air quality
	Council profiteering	1	<i>Please outline the benefits of extending the parking zone, other than profiteering through parking charges (which would appear unacceptably harsh at this time)</i>	The benefits of parking controls are outlined elsewhere in this Appendix and within the report that it accompanies. The Council is legally not permitted to profit from charges associated with resident permits. Currently, permit income accounts for around 50% of the operational costs associated with running the controlled parking scheme. Income from permits is used directly to fund enforcement and maintenance associated with that running, with the remainder being contributed from other sources.
	Private bins	1	<i>If the general public are allowed to use this area it is likely that the bins will not remain private and will be overflowing</i>	There is no link between or reason to believe there is a link between the provision of parking controls and overflowing bins in the vicinity
	Safety of children	1	<i>Children play in the parking area. Residents know this and drive accordingly</i>	Parking controls help to regulate the volume of vehicles passing through an area thus reducing road safety risks.

**Objection theme Topics**

***Security and crime concerns***

**No. of objections Objection example**

1 *Giving formal [public] access to the rear of the property - secluded position and dark access around the railway footbridge - will make the majority of elderly residents more vulnerable*

**Response**

There is no link between or reason to believe there is a link between the provision of parking controls and an increase in security or crime concerns. Providing parking controls will involve enforcement by parking attendants thus offering an additional element of natural surveillance during operational hours.

***Public right of passage - legitimacy***

1 *...a public right of way has to connect two public places. The only place that can be accessed via our [mono-block] car park is the privately owned SP sub-station... no public place*

The process leading to the adoption of any newly built road begins whilst the development is at planning stage, when the developer will apply to the Council for Road Construction Consent (RCC). That application process determines what parts of the development are considered "Roads", as defined in the Roads (Scotland) Act 1984.

The process of RCC automatically classifies any area covered by that RCC as being a road. That classification in-turn means that all applicable powers provided for in legislation will also apply to that road.

In this case, and in common with other new developments, the request for the Council to adopt the road came from the developer. The developer formally applied to the Council in January 2007 to have the access road and parking area, including all associated footways, adopted for maintenance by the Council. Having concluded that the affected roads had achieved adoptable standard, the Council issued the adoption certificate on 6 November 2008.

In the case of Maxwell Street, it is our understanding that there were additional factors that assisted in determining whether the access road and parking area to the rear to numbers 10 and 12 should be adopted. One of those determining factors was the access to the footbridge over the south suburban line, where access for the public needed to be maintained. To ensure the safety of users accessing the footbridge it was considered that the approach to the footbridge should be publicly maintained. The other determining factor was the access requirement by Scottish Power to the electricity substation, where it was deemed necessary to ensure that the right of access to this facility could be maintained.



## ROADS (SCOTLAND) ACT 1984

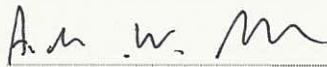
### LIST OF PUBLIC ROADS

### MAXWELL STREET, EDINBURGH

In accordance with the provisions of Section 1 of the Roads (Scotland) Act 1984 as delegated to me by

**The City of Edinburgh Council on 30 January 1996**

I hereby authorise the addition of the road(s) as listed and described hereunder to the list of public roads.

Signed: 

**Director of City Development**

Date: 6 November 2008

Copies to (with A4 coloured plan)

- 1) Steven Feist, Support and Co-ordination
- 2) Euan Kennedy, Roads Services Manager
- 3) Director of Services for Communities
- 4) John McFarlane, Street Lighting and Workshop Manager
- 5) John Gill, Network Manager (South)
- 6) Developer – Stewart Milne Homes.
- 7) Police HQ, Fettes Avenue, Edinburgh
- 8) Council Solicitor

ROAD  
Maxwell Street, Edinburgh

DESCRIPTION  
See attached

RCC No:  
ED/02/0047

**RCC/Adoptions/Adopted Cert**

# **MAXWELL STREET (EXTENSION), EDINBURGH**

## **DESCRIPTION:**

5 metre wide or thereby carriageway extending south opposite no. 13 for a distance of 45 metres or thereby then south east for a further 40 metres or thereby with splay/turning area to north.

The east side of the southbound section contains 5 no. parallel parking bays with 2 metre footway to rear.

The south side of the south easterly section contains 15 no. end-on parking bays.

2 metre wide footpaths extend north from block 10 and south from blocks 10 and 12. 2 metre wide footways are included at the entrance.

A service area is included for the lighting column adjacent to the bridge.

To include 10 gullies and 4 lighting columns.



